

**LAW ENFORCEMENT PROFESSIONAL STANDARDS SUBCOMMITTEE**  
**Professional Development Center**  
**West Virginia State Police Academy**  
**Dunbar, West Virginia**

**August 27, 2015**

MEMBERS PRESENT: Colonel Jerry Jenkins  
Sheriff Tom McComas  
Mayor John Manchester  
Chief Steve Walker  
First Lieutenant James Lee  
Retired Chief Steve Stephens

MEMBERS REPRESENTED: Colonel Jay Smithers by  
Captain David Lee  
Chief Ray Fridley by  
Chief Brad Rinehart  
Retired Lieutenant Terry Miller by  
Retired Corporal Dave Gentry

MEMBERS ABSENT: Ms. Marykaye Jacquet  
Ms. Patti Hamilton

STAFF: Retired Captain Chuck Sadler  
Ms. Kimberly Mason

The August 27, 2015 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:04 a.m. by Chair Retired Chief Stephens. There were nine (9) members either present or represented which represents a quorum of the Subcommittee membership, at the start of, and during, the meeting.

The following actions were taken during this meeting in reference to the agenda items scheduled:

1. Agenda Item 1 – Consideration of the minutes from the July 30, 2015 meeting. Motion made, Sheriff McComas, seconded, Chief Walker, for the approval of the minutes from the meetings indicated. The motion was approved unanimously.
2. Agenda Item 2A – Retired Captain Sadler provided the LEPS Fund Account financial update, dated August 19, 2015, which reflected, with entry level training classes being processed for award within DJCS, that there was \$67,035.52 available for use within the LEPS Fund. Motion made, Sheriff McComas, seconded, Chief Walker, for the approval of the LEPS Fund Report as presented. The motion was approved unanimously.
3. Agenda Item 2B – Mr. Rick Staton, Director – DJCS, gave a presentation on the LEPS Fund and its current and future projected funding requests and obligations. He reviewed ongoing efforts to work with the Governor's Office staff and others to identify additional funding sources to address the fund balance. At this time the only viable source for additional funds would be to seek an increase in the current \$2 court cost fee authorized by statute for the LEPS Fund. It is recognized that even if an increase is approved that the increased revenue that would be recognized would not fully solve the funding issues present. There was also discussion concerning the current legal costs in addressing certification related appeals of decisions made by the members.
4. Agenda Item 3 – Presentation by the State Fire Marshall L Tyree and Deputy State Fire Marshall B Sharp as to the development of a training program for Assistant State Fire Marshalls concerning their position responsibilities. No such formal training program exists at this time. Consensus agreement that as a training program was developed in line with such programs operated by like state fire marshall programs that the Subcommittee members would assist in reviewing the developed program and would make recommended changes to best allow it to meet the needs of a West Virginia Assistant State Fire Marshall.
5. Agenda Item 4 – Motion made, Sheriff McComas, seconded, Chief Walker, for the approval of applications of individuals listed as certified law enforcement instructors in the areas of expertise listed. The motion was approved unanimously with no discussion.

6. Agenda Item 5 – Motion made, Sheriff McComas, seconded, Chief Walker, for the approval of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. The motion was approved unanimously with no discussion.
7. Agenda Item 6A – Motion made, Sheriff McComas, seconded Captain Lee, that the classes listed in the agenda packet be approved for annual in-service credit. The motion was approved unanimously with no discussion.
8. Agenda Item 6B – Motion made, Sheriff McComas, seconded, Chief Walker, that the classes listed in the agenda packet be approved for supervisory in-service credit. The motion was approved unanimously with no discussion.
9. Agenda Item 6C – Motion made Sheriff McComas, seconded, Captain Lee that the classes listed in the agenda packet be approved for personal in-service credit. The motion was approved unanimously with no discussion.
10. Agenda Item 6D – Consideration of Train the Trainer Courses. There were none to be reviewed. No action required.

At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 8 through 12. Motion made by Sheriff McComas, seconded, Captain Lee, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:54 a.m. Motion made, Sheriff McComas, seconded, Chief Walker, and approved unanimously without discussion for the Subcommittee to come out of executive session at 11:28 a.m., no action having been taken during the executive session on any of the items discussed. The Chair then moved to address, as necessary, the agenda items that had been discussed while in executive session.

The Chair, Retired Chief Stephens, then moved to determine the action to be taken concerning the items that had been discussed during the executive session.

11. Agenda Item 7A – Order to Stop Working – Officer #1 – Motion made, Sheriff McComas, seconded, Chief Walker, to table action on this agenda item to allow it to be addressed during the certification reactivation review items to be discussed during the September 24, 2015 meeting. The motion was approved unanimously with no discussion.
12. Agenda Item 7B – Order to Stop Working – Officer #2 – Presented for informational purposes, no action required.

13. Agenda Item 7C – Order to Stop Working – Officer #3 – Presented for information purposes, no action required.
14. Agenda Item 8 – Criminal Conviction Records as to Applicants for Entry Level Training Program. Motion made, Sheriff McComas, seconded, Captain Lee, to allow the officer discussed concerning this agenda items to be allowed to continue in the entry level training program. The motion was approved unanimously with no discussion.
15. Agenda Item 9 – Request to attend the Entry Level Training program as a Private Citizen or to be allowed to be employed once again as a sworn officer following a five year period since termination from an entry level training class. Motion made, Captain Lee, seconded, Retired Corporal Gentry, to deny, based on the seriousness of the incident which led to his termination from a Basic Class program, the request of the officer discussed to be able to attend the entry level training program, either as a private citizen or by being able to be employed once again as an officer. The motion was approved unanimously with no discussion. A Position Statement will be prepared reflecting the position of the members concerning this denial.
16. Agenda Item 10 – Certification reviews. Provided for informational purposes only.to update the members concerning the status of two actions previously taken by them. No action required.
17. Agenda Item 11A – Motion made, Sheriff McComas, seconded, Chief Walker, to approve the full reactivation of the law enforcement certification of the seventeen law enforcement officers listed in the agenda packet. The motion was approved unanimously with no discussion.
18. Agenda Item 11B (1) – Review of reactivation request where officer left prior agency with standing in question – Officer 1. This officer appeared before the Subcommittee requesting reactivation of his law enforcement certification in order to gain employment as a law enforcement officer. Motion made, Sheriff McComas, seconded, Captain Lee, that this officer's certification be reactivated. The motion was approved unanimously with no discussion.
19. Agenda Item 11B (2) – Review of reactivation request where officer left prior agency while under investigation – Officer 2. This officer, with his attorney, appeared before the Subcommittee requesting reactivation of his law enforcement certification in order to gain employment as a law enforcement officer. Motion made, Sheriff McComas, seconded, Chief Walker, that this officer's certification be reactivated. The motion was approved unanimously with no discussion.

20. Agenda Item 12 - Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer. Motion made, Retired Corporal Gentry, seconded, Sheriff McComas, to approve this officer, who has been separated for more than sixty (60) months as West Virginia law enforcement officer, to attend the three-week recertification program at the Academy in September 2016 in order to bring his certification as an officer fully current and that his certification be reactivated. The motion was approved unanimously with no further discussion.
21. Agenda Item 13A – Equivalent certification program reviews as to decisions made. Presented for informational purposes, no action required.
22. Agenda Item 13B – Equivalent certification program reviews as to decisions made. Presented for informational purposes, no action required.
23. Agenda Item 14– Review of officer’s ability to enter and complete the entry level training program. There were none, no action required.
24. Agenda Item 15 – Request by an officer for accommodations relating to attendance in the entry level training program. There were none, no action required.
25. Agenda Item 16 – Discussion concerning listed officers who had been determined to be short of the required in-service and/or firearms qualifications for the 2015 Training Year period that ran from July 1, 2014 through June 30, 2015. Officers were present concerning agenda items 16A, 16B, 16C, 16D, 16J, 16R, 16S and 16U. Motion made, Sheriff McComas, seconded, Chief Walker, to allow these officers until September 30, 2015 to complete their training and/or firearms qualifications as needed for the 2015 Training Year Period. The motion was approved unanimously with no further discussion. Motion then made, Sheriff McComas, seconded, Chief Walker, for a stop work order to be issued to any of the remaining officers listed under this agenda item who were determined to be still working as an officer and who had not completed their required in-service and/or firearms qualifications for the 2015 Training Year Period. The motion was approved unanimously with no further discussion.
26. Agenda Item 17 – Request for information from the LEPS Program. Response presented for informational purposes. No action required.
27. Retired Captain Sadler advised that Mr. Staton had texted him during the meeting following his departure asking for clarification on payment of expenses from the LEPS Fund relating to appeal hearings of decisions made by the Subcommittee members that had been generally discussed during

Agenda Item 2 when he was present. There was general discussion concerning this request. Motion made, Chief Walker, seconded Sheriff McComas, that the costs of the Hearing Examiner and related costs to the conduct of an appeal of a matter decided by the Subcommittee members, with the exception of any hourly charges by the Assistant Attorney General representing the Subcommittee, could be paid for from the LEPS Fund.

28. Agenda Item 18 – The next LEPS Subcommittee meeting is scheduled for Thursday, September 24, 2015 at 9:00 a.m., at the PDC.

There being no further agenda items set for discussion a motion was made by Sheriff McComas, seconded, Mayor Manchester to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 12:24 p.m.